

EXHIBIT 1

**UNREDACTED VERSION
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HIGHLY CONFIDENTIAL--OUTSIDE COUNSEL'S EYES ONLY

VIDEOTAPED 30(b)(6) DEPOSITION of WAYMO LLC
by and through its Designated Representative
ASLAN (SHAWN) BANANZADEH
San Francisco, California
Thursday, August 24, 2017

Reported by

MARY J. GOFF

CSR No. 13427

Job No. 2688513

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Highly Confidential Videotaped Deposition of
ASLAN (SHAWN) BANANZADEH, Volume I, taken on behalf
of Plaintiff Waymo LLC, at Morrison & Foerster LLP,
425 Market Street, 33rd Floor, San Francisco,
California, 94105, beginning at 9:54 a.m. and ending
at 5:53 p.m., on August 24, 2017, before MARY GOFF,
Certified Shorthand Reporter No. 13427.

1 resistor could specify that this resistor should be 11:36:25
2 expensed against the cost for the LiDAR sensor or -- 11:36:29
3 MR. MACK: Objection. 11:36:37
4 Q (BY MS. CHANG) -- the timing board or 11:36:37
5 whatever it is that the resistor is intended to be 11:36:38
6 used for. 11:36:42
7 MR. MACK: Objection, form. 11:36:43
8 A So it -- when you say -- it -- Waymo set 11:36:44
9 up a system in the time that I have been there? I 11:36:50
10 haven't -- I haven't set up a system to say 11:36:53
11 specifically: This is the part. 11:36:56
12 Like, I don't tell someone: Go back and 11:36:57
13 revise this and tell me the exact part number. 11:37:01
14 Dating back to, let's just say, 2009, I -- 11:37:03
15 I don't know the answer whether somebody told 11:37:07
16 somebody to go give them an individual part number, 11:37:09
17 et cetera. 11:37:14
18 Q (BY MS. CHANG) Do you know if, at Waymo, 11:37:14
19 it's possible to break out each of these GL expenses 11:37:15
20 to correlate it to the various components of Waymo's 11:37:19
21 self-driving car? 11:37:22
22 MR. MACK: Objection, form. 11:37:22
23 A Like, possible -- again, like, if -- if 11:37:25
24 you told someone hypothetically to go, like, label 11:37:28
25 every P&L they put to an individual part number when 11:37:33

1	they purchased it, theoretically you could do that,	11:37:36
2	I guess, right.	11:37:38
3	Q (BY MS. CHANG) To understand your	11:37:39
4	testimony, you're saying it would be possible for	11:37:40
5	Waymo to retroactively go back and recategorize the	11:37:42
6	expenses?	11:37:49
7	MR. MACK: Objection, form.	11:37:50
8	A No. No. No, that wasn't my testimony. I	11:37:51
9	--	11:37:54
10	Q (BY MS. CHANG) I'm just trying to	11:37:55
11	understand whether it's possible -- could we go to	11:37:56
12	Waymo today somewhere and either by looking at the	11:37:58
13	data sources or other information available at	11:38:01
14	Waymo, could we break out each of these GL --	11:38:04
15	GL account expenses and map them to various	11:38:06
16	components of the self-driving car?	11:38:11
17	MR. MACK: Objection, form.	11:38:13
18	A -- I -- I don't know, because I don't	11:38:15
19	know what everyone did historically every time they	11:38:17
20	purchased something.	11:38:20
21	Q (BY MS. CHANG) To your knowledge, as you	11:38:22
22	sit here today, it's not possible to break out each	11:38:23
23	of these GL account expenses to the various	11:38:26
24	components of the self-driving car?	11:38:30
25	MR. MACK: Same objection.	11:38:33

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1	A So it -- it -- can -- can you just repeat	11:38:34
2	the question? I -- I got lost.	11:38:39
3	Q (BY MS. CHANG) You're the company	11:38:42
4	representative --	11:38:43
5	A Right.	11:38:43
6	Q -- on the cost of developing the trade	11:38:43
7	secrets? I want to know whether it's possible to	11:38:46
8	break out each of these GL account values and map	11:38:49
9	them to how much of a particular GL account relates	11:38:54
10	to a certain component on the self-driving car.	11:39:01
11	You testified that based on the	11:39:03
12	information in Exhibit 1400, which has Bates label	11:39:05
13	WAYMO-UBER-00027045, that it was not possible to	11:39:11
14	break out each GL account into the components of the	11:39:15
15	self-driving car.	11:39:20
16	Is there information available at Waymo	11:39:21
17	that would allow you to do that?	11:39:23
18	MR. MACK: Objection, form.	11:39:25
19	A So -- so I mean -- I mean, like, there's	11:39:27
20	the element of, like, did you buy -- because I	11:39:32
21	want -- I want to -- like, there's kind of different	11:39:34
22	ways of looking at it.	11:39:36
23	Did you buy a -- again, like, a resistor	11:39:39
24	for this? And did it -- what did it cost? Right.	11:39:41
25	That's -- that's one way of saying: What did it	11:39:43

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1 cost to create that? Right. Well, there's that. 11:39:46

2 In contrast, if you said, for example: 11:39:48

3 What is the cost of the system as a whole, like, 11:39:50

4 insofar as it -- like, it all works together, right 11:39:55

5 like, you -- you know, there's different ways of 11:39:58

6 looking at it. 11:40:00

7 So I -- I'm going to go back to saying 11:40:00

8 that -- like: Could you say a particular part costs 11:40:03

9 this? It would be dependent on what it was coded as 11:40:06

10 and put through, right. But not knowing whether 11:40:09

11 that happened, like, I -- I can't answer that, like, 11:40:11

12 sitting here right now. 11:40:15

13 Q (BY MS. CHANG) Are you aware of any way to 11:40:18

14 break out each of these GL accounts to map onto 11:40:20

15 various components of the self-driving car? 11:40:24

16 MR. MACK: Objection, form. 11:40:30

17 A Mapping. 11:40:31

18 Q (BY MS. CHANG) So let's take one example. 11:40:31

19 Let's take the "Equipment and Related EXP" 11:40:33

20 GL account. If you look at 2016, there's a very 11:40:38

21 large number that starts with -- or that reads 11:40:47

22 [REDACTED] 11:40:53

23 Do you see that number? 11:40:59

24 A Yeah. I8? Cell -- Cell I8? Is that what 11:41:00

25 you're referring to? Right? 11:41:04

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1	Q	Yes.	11:41:05
2	A	Yes.	11:41:05
3	Q	Are you aware of a breakdown of this	11:41:16
4		number at Waymo for each of the components that make	11:41:19
5		up the self-driving car?	11:41:25
6	A	So there is -- like, if you go back to the	11:41:27
7		"Raw Data" tab, right, you can obviously divide it	11:41:31
8		up by cost center, right? So that's a breakup of	11:41:33
9		that expense already.	11:41:38
10		Then when it comes to -- and that shows	11:41:41
11		you different, like, budget owners' cost center	11:41:43
12		areas. So that's, like, a division that you could	11:41:46
13		have.	11:41:48
14		As far as, like, part numbers, I think,	11:41:50
15		is -- is, like, you're trying to go farther than	11:41:52
16		saying, like, big budget areas.	11:41:55
17		But then part numbers -- in some instances	11:41:56
18		people will code to a part number. And others, they	11:42:00
19		won't. So it -- it's -- again, it's a possibility,	11:42:03
20		but I -- I don't know for a fact that that breakdown	11:42:06
21		exists.	11:42:09
22	Q	Are you aware of any information at Waymo	11:42:15
23		that would indicate how much of the "Equipment and	11:42:21
24		Related EXP" GL account relates to the LiDAR in	11:42:26
25		Waymo's self-driving car?	11:42:32

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1	MR. MACK: Objection, form.	11:42:33
2	A Like, I don't think I can make that	11:42:37
3	determination. Because, again, like, what you view	11:42:39
4	the LiDAR as is -- in the con -- in the context of	11:42:41
5	the whole of the -- the -- the SDS system is	11:42:43
6	something that I don't think I can technically tell	11:42:48
7	you. So I don't think I can sit here and tell you:	11:42:51
8	This is how I would isolate that cost.	11:42:54
9	Q (BY MS. CHANG) Can -- has Waymo isolated	11:42:57
10	that cost?	11:43:00
11	A Which -- which -- sorry. When you say	11:43:00
12	"that cost," what are you referring to again?	11:43:01
13	Q The LiDAR-related cost portion -- sorry.	11:43:04
14	The LiDAR-related portion of the	11:43:07
15	"Equipment and Related EXP" GL account?	11:43:08
16	MR. MACK: Objection, form.	11:43:12
17	A My understanding is that we have experts	11:43:13
18	who are going to provide the reports and provide,	11:43:16
19	like, a conclusion about a number that relates to	11:43:18
20	that. So at least that's my understanding of what's	11:43:21
21	going on in this litigation.	11:43:24
22	Q (BY MS. CHANG) Does Waymo currently have	11:43:26
23	that information?	11:43:28
24	MR. MACK: Objection, form.	11:43:30
25	A The -- like, to the extent that the -- the	11:43:34

1	expert has, like, said there's this number that	11:43:37
2	relates to it, I know what that number is. I -- I	11:43:39
3	have seen it in interrogatory responses, yes.	11:43:42
4	Q (BY MS. CHANG) But that number is not	11:43:45
5	indicated in Exhibit 1400?	11:43:47
6	MR. MACK: Objection, form.	11:43:50
7	A I don't know if that -- that's true.	11:43:55
8	Because the -- the number, I think, is -- is	11:43:56
9	partially derived from the numbers that we provided	11:43:58
10	of how the program has, like, expensed things over	11:44:01
11	time so...	11:44:04
12	Q (BY MS. CHANG) Can you show me where in	11:44:05
13	Exhibit 1400, the LiDAR portion of any of these	11:44:08
14	GL accounts is indicated?	11:44:11
15	MR. MACK: Objection, form.	11:44:14
16	A Sorry. Again, going back to how the --	11:44:17
17	the -- what's it called -- the -- the expert	11:44:21
18	formulated the conclusion, my understanding is they	11:44:25
19	used, like, a -- like, the whole is -- like, you	11:44:29
20	can't -- again, like I said, you can't take this	11:44:34
21	thing apart and say: This is it and that's	11:44:36
22	isolated.	11:44:38
23	So you use the whole development cost of	11:44:38
24	program that -- if you wanted to ask on those -- an	11:44:41
25	individual basis, like, I'm familiar with what these	11:44:43

1	numbers are on this and how that was informed.	11:44:46
2	Q But Exhibit 1400 doesn't break out the	11:44:49
3	LiDAR-related expense of "Equipment and Related	11:44:53
4	Expenses" GL account?	11:45:00
5	MR. MACK: Objection, form.	11:45:02
6	A Again, like, I don't think that I know how	11:45:05
7	to tell you what "LiDAR-related" means. Like --	11:45:07
8	like, to me, that's a technical thing, and I'm not	11:45:10
9	equipped -- I can tell you what these numbers	11:45:13
10	represent. I can tell you, like, how they're	11:45:16
11	formulated, et cetera.	11:45:17
12	But to the extent that you're asking, if I	11:45:17
13	understand you correctly, like: What is the number	11:45:19
14	to create a LiDAR, I think that's, like, a technical	11:45:21
15	question that an expert could opine on. I can tell	11:45:24
16	you about the numbers, right.	11:45:27
17	Q (BY MS. CHANG) I'm not asking you for	11:45:28
18	technical definition. I just want to know if this	11:45:30
19	spreadsheet has a breakout of the LiDAR-related	11:45:33
20	portion of any of these GL accounts.	11:45:35
21	MR. MACK: Objection, form.	11:45:37
22	A I mean, I -- I'm not -- like, I -- I just	11:45:39
23	don't -- like, "LiDAR related," to me, like, I	11:45:41
24	can't -- I can't -- I can't understand what this is.	11:45:43
25	Like, if you could help me -- like -- like	11:45:45

1	I have said, like, this doesn't show a part-by-part	11:45:46
2	number, right. But if you're asking for the	11:45:49
3	LiDAR-related cost of, like, developing a LiDAR	11:45:52
4	system in an SDS system, I think this is a	11:45:54
5	fundamentally, like, technical question that I --	11:45:58
6	I'm not prepared to answer for you, right.	11:45:59
7	Q (BY MS. CHANG) But your testimony is that	11:46:02
8	each of these accounts relates to the expenses for	11:46:03
9	the entire self-driving car?	11:46:05
10	A The -- so this -- this -- these accounts	11:46:08
11	in totality capture the cost of creating a	11:46:10
12	self-driving system within which the LiDAR is an	11:46:14
13	integral part.	11:46:19
14	Q You stated that LiDAR is an integral part	11:46:55
15	of the self-driving system. What other integral	11:46:59
16	parts are you aware of?	11:47:04
17	A I mean, again, my nontechnical	11:47:07
18	understanding is that, like, you need to have LiDAR	11:47:10
19	to do this. Like, that's about as far as my, like,	11:47:12
20	nontechnical understanding of this goes.	11:47:16
21	Q You're not aware of any other integral	11:47:19
22	parts of the self-driving system?	11:47:22
23	MR. MACK: Objection, form.	11:47:24
24	A The -- like, I don't pretend to -- to say	11:47:24
25	that, like, one is better than the other or	11:47:30

1	anything, but I know that the LiDAR is part of the	11:47:32
2	whole solution.	11:47:35
3	Q (BY MS. CHANG) Are you aware of any other	11:47:36
4	part of the whole solution for Waymo's self-driving	11:47:39
5	system?	11:47:43
6	MR. MACK: Objection, form.	11:47:44
7	A I -- I believe -- like, again, my	11:47:45
8	nontechnical understanding is that there are other	11:47:48
9	parts to it. But I -- I wasn't prepared here to	11:47:50
10	talk about what the technical elements of the	11:47:53
11	self-driving system are.	11:47:56
12	Q (BY MS. CHANG) Are there other integral	11:47:57
13	parts of the Waymo self-driving system, other than	11:47:57
14	LiDAR that you're aware of as you sit here today	11:48:00
15	you?	11:48:04
16	MR. MACK: Objection, form; beyond the	11:48:05
17	scope.	11:48:05
18	A Like, I don't -- I -- I don't -- like, I	11:48:07
19	can't say what are other technical -- or sorry. I	11:48:10
20	-- I don't know what to -- or I don't know what	11:48:14
21	other integral parts are, no.	11:48:18
22	Q (BY MS. CHANG) But you would characterize	11:48:19
23	LiDAR as an integral part?	11:48:21
24	MR. MACK: Objection, form; beyond the	11:48:23
25	scope.	11:48:23

1	A It -- in a nontechnical way without having	11:48:24
2	any kind of, like, technical training or	11:48:28
3	understanding, yes, I just did.	11:48:30
4	MR. MACK: Esther, I think we have been	11:48:33
5	going well over an hour, if now is a good time to	11:48:35
6	break.	11:48:40
7	MS. CHANG: Yeah.	11:48:40
8	THE VIDEOGRAPHER: We are off the record	11:48:41
9	at 11:49 a.m.	11:48:41
10	(A break was taken from 11:49 a.m. to	11:48:44
11	12:37 p.m.)	11:48:48
12	THE VIDEOGRAPHER: Okay. We are back on	12:36:02
13	the record at 12:37 p.m.	12:36:35
14	Q (BY MS. CHANG) I'm handing you what's been	12:36:43
15	marked as Exhibit 1520. Exhibit 1520 is	12:36:45
16	"Plaintiff's Amended Fourth Supplemental Objections	12:37:03
17	and Responses to Uber's First Set of	12:37:07
18	Interrogatories, Nos. 1 through 11."	12:37:09
19	Do you recognize this document?	12:37:15
20	A Yes, I believe so.	12:37:16
21	Q You previously testified that in	12:37:46
22	preparation to provide testimony in your capacity as	12:37:48
23	the corporate witness for the cost aspect of	12:37:56
24	Topic 9, that you had reviewed responses to	12:38:00
25	interrogatory requests.	12:38:05

1	Are these the responses that you reviewed?	12:38:06
2	A Yes, I believe so.	12:38:08
3	Q If you turn to page 61, you'll see	12:38:20
4	Interrogatory 6 listed here. And it reads,	12:38:28
5	Separately for each alleged Waymo trade secret	12:38:33
6	identified in response to Interrogatory No. 1,	12:38:37
7	describe how long it took and how much it cost to	12:38:40
8	develop.	12:38:43
9	Do you recall reviewing the response to	12:38:47
10	Interrogatory No. 6?	12:38:53
11	A I -- I don't recall reviewing that	12:38:54
12	specific one, no.	12:38:58
13	Q Did you help prepare the response to	12:39:08
14	Interrogatory No. 6?	12:39:12
15	MR. MACK: Objection, form. Again, I'll	12:39:13
16	just caution the witness not to reveal the substance	12:39:19
17	of any attorney/client privileged communications,	12:39:23
18	but you may answer.	12:39:25
19	A So like, to the extent there are, like,	12:39:26
20	dollar values in here and to the extent that those	12:39:30
21	dollar values were derived from, like, this report	12:39:33
22	that we have on the screen right now, then you could	12:39:36
23	perhaps say that, like, I helped prepare this.	12:39:40
24	But I did not, like, directly draft or --	12:39:43
25	or answer -- answer this in any way, if -- if that	12:39:47

1	answers your question.	12:39:51
2	Q (BY MS. CHANG) Going back to Exhibit 2090,	12:39:53
3	you were designated as Waymo's corporate	12:40:10
4	representative to testify to the cost of developing	12:40:14
5	each of the alleged Waymo trade secrets selected for	12:40:18
6	trial.	12:40:21
7	Did you review a list of the alleged Waymo	12:40:23
8	trade secrets selected for trial?	12:40:27
9	A So my understanding is -- is that there	12:40:35
10	were many trade secrets at issue in this case. Some	12:40:37
11	of them -- like, I think some of them are no longer	12:40:40
12	part of the case. I don't -- I don't know exactly,	12:40:45
13	to be honest.	12:40:47
14	But I believe there are some at issue, and	12:40:48
15	I -- and I did see those numbers that are still at	12:40:51
16	issue in the case.	12:40:55
17	Q Did you also review the descriptions or	12:40:56
18	the substance of the trade secret numbers? You --	12:40:58
19	you mentioned that you had reviewed the numbers?	12:41:00
20	A Right.	12:41:03
21	Q Did you also review the substance or the	12:41:03
22	description of that trade secret number?	12:41:06
23	A I believe I looked at a document that	12:41:10
24	listed them and had, like, detailed explanations. I	12:41:12
25	didn't -- I didn't read in detail any of them, no,	12:41:16

1	so I...	12:41:18
2	Q Turning to page 103 of Exhibit 1520,	12:41:37
3	trade -- you'll see that there are a "Trade	12:41:45
4	Secret 2" header.	12:41:55
5	A Um-hum.	12:41:57
6	Q And under this section it reads,	12:41:58
7	Information potentially relevant to determining such	12:42:10
8	cost estimates includes information that has been	12:42:15
9	produced at WAYMO-UBER-00027045,	12:42:19
10	WAYMO-UBER-00014506, WAYMO-UBER-00012830,	12:42:20
11	WAYMO-UBER-00014078, and WAYMO-UBER-00014489.	12:42:31
12	WAYMO-UBER-27045 is Exhibit 1400, and	12:42:42
13	that's the spreadsheet that we have been looking at.	12:42:48
14	A Okay.	12:42:52
15	Q I'm going to mark as exhibits, the	12:42:54
16	remaining documents that are cited in this	12:42:58
17	interrogatory response.	12:43:02
18	Exhibit 1413, which I have just handed	12:43:53
19	you, is the next document, WAYMO-UBER-00014506. So	12:43:56
20	did I give you the wrong -- no, I didn't. Is	12:44:07
21	that -- is that the document that you have?	12:44:10
22	A Yes.	12:44:13
23	Q Have you seen this document before?	12:44:17
24	A Yes. I saw it yesterday.	12:44:19
25	Q What is your understanding of what this	12:44:22

1	document is?	12:44:24
2	A This is the Term Sheet of the acquisition	12:44:27
3	of 510 Systems.	12:44:31
4	Q Had you seen it before yesterday?	12:44:34
5	A No.	12:44:35
6	Q The next document, WAYMO-UBER-00012830,	12:44:38
7	was previously marked as Exhibit 1414. This	12:44:46
8	document is the "Agreement and Plan of Merger By and	12:45:12
9	Among Google Inc., Plus 490 LLC; 510 Systems LLC;	12:45:16
10	each of the members of 510 Systems LLC; and with	12:45:20
11	respect to Articles VI, VIII, IX, and X only,	12:45:24
12	Anthony Levandowski, as member representative; and	12:45:26
13	U.S. Bank National Association as escrow agent,"	12:45:30
14	dated as of July 28, 2011.	12:45:34
15	Do you recognize this document?	12:45:36
16	A Only insofar as I saw it yesterday.	12:45:41
17	Q Had you seen it before yesterday?	12:45:45
18	A No.	12:45:46
19	Q The next document listed in Waymo's	12:45:49
20	response to Interrogatory No. 6 for Trade Secret 2	12:45:54
21	on page 103 of Exhibit 1520 is WAYMO-UBER-00014078.	12:45:59
22	This document was previously marked as Exhibit 1415.	12:46:12
23	Exhibit 1415 is the "Google Inc. Project	12:46:33
24	Chauffeur Bonus Program."	12:46:39
25	Do you recognize this document?	12:46:41

1	A	Yes, insofar as I saw it yesterday.	12:46:45
2	Q	Before yesterday, had you seen this	12:46:48
3		document?	12:46:49
4	A	I hadn't seen the document, but I was	12:46:51
5		generally familiar with the 2011 special bonus plan.	12:46:54
6	Q	The final document listed in Waymo's	12:46:59
7		Interrogatory Response No. 6 for Trade Secret 2 is	12:47:02
8		WAYMO-UBER-00014489.	12:47:06
9		This document was previously marked as	12:47:13
10		Exhibit 1416. Exhibit 1416 is a letter from Google,	12:47:16
11		in particular, David Lawee, who was vice president	12:47:32
12		of corporate development at the time, to Anthony	12:47:38
13		Levandowski, dated April 13, 2011.	12:47:40
14		Do you recognize this document?	12:47:46
15	A	Only insofar as I read it yesterday.	12:47:49
16	Q	Before yesterday had you seen this	12:47:53
17		document?	12:47:55
18	A	No.	12:47:55
19	Q	Looking back at Exhibit 1520, which is	12:48:47
20		Waymo's interrogatory responses, on page 103, the	12:48:50
21		next sentence reads, That information -- referring	12:48:55
22		to the five documents listed before that sentence --	12:49:00
23		reflects that costs Waymo necessarily incurred for	12:49:10
24		the development, Trade Secret 2 are in the	12:49:13
25		1.1 billion range.	12:49:18

1	Did you help prepare that 1.1 billion	12:49:24
2	range number for Trade Secret 2?	12:49:28
3	MR. MACK: Objection, form.	12:49:30
4	A So -- so -- so again, insofar as that	12:49:34
5	number is derived from the numbers that you see of,	12:49:37
6	like, the historical spend at Waymo, to the extent	12:49:39
7	it incorporates those numbers, I would say yes.	12:49:44
8	Q (BY MS. CHANG) Do you know how that	12:49:48
9	1.1 billion number was calculated?	12:49:54
10	A So my understanding is that -- and this	12:49:59
11	is, I believe, a -- a formulation based on the	12:50:04
12	expert's calculations. But what -- what it is is a	12:50:08
13	summation -- am I allowed to alter this just so I	12:50:12
14	can read it easier? Can I make it into dollars?	12:50:19
15	No?	12:50:23
16	Q Yes, we -- yes, we can, but I think we	12:50:24
17	would then need to mark it as new exhibit, so --	12:50:25
18	A Okay.	12:50:28
19	Q -- what we'll do is we'll mark this as	12:50:28
20	Exhibit 2091.	12:50:31
21	A It -- it's okay. I don't -- I won't	12:50:36
22	change it, just to keep it -- sorry.	12:50:37
23	Q Are you sure?	12:50:39
24	A Yeah. Yeah.	12:50:40
25	Q Okay.	12:50:41

1 A Sorry about that. So my understanding is 12:50:41
2 that because of the nature of the development of the 12:50:48
3 program as a whole, right, what it was is a -- kind 12:50:54
4 of a calculation of historical spend through the end 12:50:57
5 of 2015. 12:51:00
6 So if -- on the screen you can see that 12:51:02
7 essentially I'm -- I'm highlighting all the cells in 12:51:04
8 Row 16, Columns B through H. 12:51:08
9 And in the bottom corner, Excel does a 12:51:12
10 sum. So what that sum is saying is that this is 12:51:15
11 approximately \$1.1 billion. 12:51:17
12 Q For the record, the exact sum that is 12:51:40
13 shown in Exhibit 1400 when you highlight Cells B16 12:51:47
14 to H16, is -- 12:51:52
15 A Do you want me to read it out? 12:52:00
16 Q -- you can read it out. Or I was going 12:52:02
17 to, but you can. 12:52:04
18 A Oh, I'm sorry. I'm sorry. Okay. 12:52:05
19 Q It is 1084495404; is that right? 12:52:07
20 A Yes, that's what the screen shows. 12:52:20
21 Q And that's the number that is the basis 12:52:23
22 for the \$1.1 billion range that's shown as the 12:52:26
23 development cost for Trade Secret 2? 12:52:33
24 MR. MACK: Objection, form. 12:52:37
25 A That's -- that's my understanding of how 12:52:37

1	it was formulated.	12:52:39
2	Q (BY MS. CHANG) Do you know what Trade	12:52:41
3	Secret 2 is?	12:52:42
4	A Like -- like, in technical detail, no.	12:52:46
5	Q In any level of detail?	12:52:50
6	MR. MACK: Objection, form.	12:52:52
7	A I -- I know that it's at issue in the	12:52:57
8	case, but I don't -- like, I don't know the	12:53:00
9	technical details of it, no.	12:53:02
10	Q (BY MS. CHANG) Do you know anything about	12:53:03
11	Trade Secret 2?	12:53:04
12	A In -- I -- I mean, I didn't ask -- like,	12:53:07
13	no, I didn't ask detailed questions about Trade	12:53:10
14	Secret 2.	12:53:13
15	Q What do you know about Trade Secret 2,	12:53:14
16	other than that it's \$1.1 billion to develop?	12:53:15
17	A That to the extent it is -- take -- how do	12:53:23
18	I say this?	12:53:29
19	That its development was not limited to,	12:53:30
20	a -- like, a discrete point in time. And it --	12:53:33
21	it -- the formulation of it and the basis for --	12:53:36
22	thereby the basis of the calculation is that it is	12:53:37
23	the kind of -- from inception to the date of the	12:53:43
24	cutoff of -- whatever informs that cutoff date is	12:53:47
25	how it -- it's informed, right.	12:53:52

1	So there's a development time. It's not	12:53:52
2	like a discrete thing with, like, a discrete item.	12:53:54
3	It is a totality. And that's why, you know...	12:53:57
4	Q Other than the number, what do you know	12:54:03
5	about the technology that's captured by Trade	12:54:08
6	Secret 2?	12:54:11
7	MR. MACK: Objection, form.	12:54:12
8	A So what I know about technology is that it	12:54:21
9	was developed at Waymo. That would be -- and it was	12:54:23
10	technology that was developed in the program as a	12:54:32
11	whole.	12:54:36
12	Q (BY MS. CHANG) Do you know what aspect of	12:54:36
13	the technology that was developed by Waymo that	12:54:38
14	Trade Secret 2 relates to?	12:54:42
15	MR. MACK: Objection, form.	12:54:44
16	A Well, I think based off of my	12:54:45
17	understanding of how it was calculated, aspect --	12:54:47
18	aspect is a little -- I guess I would take issue	12:54:51
19	with the word "aspect." Is that -- it -- it's a --	12:54:55
20	it's a trade secret that is kind of comprehensive in	12:54:58
21	the program as a whole.	12:55:01
22	Like -- but again, that's just a -- like,	12:55:01
23	a nontechnical understanding of, like, how this	12:55:03
24	number was calculated. And I'm kind of deriving it	12:55:06
25	based off of that calculation.	12:55:09

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1	Q	(BY MS. CHANG) If you turn to page 172 of	12:55:11
2		Exhibit 1520.	12:55:14
3	A	I'm sorry. What page again?	12:55:16
4	Q	172.	12:55:19
5	A	Okay.	12:55:20
6	Q	This is Waymo's Response to	12:55:36
7		Interrogatory No. 6 with respect to Trade Secret 25.	12:55:39
8		If you look in the middle of the first paragraph,	12:55:43
9		under that header it reads, Information potentially	12:55:48
10		relevant to determining such cost estimates includes	12:55:52
11		information that has been produced at	12:55:55
12		WAYMO-UBER-00027045, WAYMO-UBER-00014506	12:55:58
13		WAYMO-UBER-00012830, WAYMO-UBER-00014078, and	12:56:06
14		WAYMO-UBER-00014489.	12:56:15
15		I can represent to you that those are the	12:56:20
16		same five documents that were cited for Trade	12:56:23
17		Secret 2 that we just looked at.	12:56:26
18		The next sentence reads, That information	12:56:30
19		reflects that costs Waymo necessarily incurred for	12:56:34
20		the development of Trade Secret 25 are in the	12:56:39
21		1.1 billion range.	12:56:43
22		What is the basis of the \$1.1 billion	12:57:02
23		range number cited for Trade Secret 25 in Waymo's	12:57:05
24		response to Interrogatory No. 6 for Trade Secret 25?	12:57:09
25	A	So I -- again, I think my understanding of	12:57:16

1	how the expert who created that value is that they	12:57:22
2	took the numbers of spend historically since	12:57:26
3	inception through a certain date. And like, same as	12:57:28
4	the previous one is that it goes through on --	12:57:32
5	whichever exhibit number we labeled the screen.	12:57:35
6	Q 1400.	12:57:41
7	A Sorry. Yeah, 1400 is, again, from a --	12:57:42
8	2009 through end of year 2015, which represents that	12:57:44
9	approximately 1.1 billion number.	12:57:48
10	Q It's the same calculation that was used	12:57:57
11	for Trade Secret 2 that we previously discussed?	12:58:00
12	A So -- so when you say "the same	12:58:05
13	calculation," I -- like, again, the -- to the	12:58:07
14	extent, like, an expert created that calculation,	12:58:11
15	I -- I can't tell you how precisely they calculate	12:58:13
16	it, right.	12:58:16
17	But my understanding is that it is a	12:58:17
18	culmination of all of the work that precedes -- took	12:58:19
19	-- took place preceding. And therefore, perhaps in	12:58:23
20	broad strokes it's a similar calculation. I don't	12:58:28
21	want to speak out of turn and say it's, like, the	12:58:30
22	same calculation.	12:58:33
23	Q I just want to make sure that I'm	12:58:34
24	understanding your testimony. You testified that	12:58:36
25	Trade Secret 2, which cited a \$1.1 billion cost, was	12:58:38

1	the sum of Cells B16 to H16 of Exhibit 1400, and	12:58:43
2	that was for Trade Secret 2?	12:58:52
3	A Yeah, the -- the last -- yes, correct.	12:58:54
4	Q And now we're looking at Trade Secret 25,	12:58:56
5	which also cites a 1.1 cost?	12:58:59
6	A Um-hum.	12:59:03
7	Q The calculation for that 1.1 billion	12:59:03
8	number, is it also the sum of Cells B16 to H16 of	12:59:06
9	Exhibit 1400?	12:59:12
10	MR. MACK: Objection, form.	12:59:14
11	A Yes, those same numbers inform that	12:59:19
12	number.	12:59:22
13	Q (BY MS. CHANG) Why is it that only the	12:59:23
14	costs incurred in 2009 through 2015 are used to	12:59:28
15	calculate the \$1.1 billion cost estimate for Trade	12:59:34
16	Secrets 2 and 25?	12:59:41
17	A Sorry. Why is -- why only those years as	12:59:46
18	opposed to what other years, I guess?	12:59:48
19	Q Why wasn't 2016 included?	12:59:52
20	A Well, my understanding based off of,	12:59:56
21	again, like, the trade secret being a technical	12:59:58
22	thing is that this says it took a period of time.	01:00:00
23	And that secret -- again, not being	01:00:03
24	technically minded about what a trade secret is	01:00:07
25	legally defined as or anything else, it's -- it's	01:00:10

1 formulation took that span of time; and therefore, 01:00:14
2 they're capturing that period of time's expense, 01:00:16
3 therefore. 01:00:22
4 Q Your testimony is that the development of 01:00:23
5 Trade Secret 25 incurred cost only up through 2015? 01:00:27
6 MR. MACK: Objection, form. 01:00:34
7 A My -- my testimony is that that is my 01:00:37
8 understanding of how it was calculated, yes. 01:00:39
9 Q (BY MS. CHANG) The same answer for Trade 01:00:41
10 Secret 2? 01:00:45
11 A Again, like, my under -- my understanding 01:00:48
12 is, like, that's the method the expert used to 01:00:50
13 surmise the -- the data -- the costs incurred based 01:00:55
14 upon historical spend that we -- that I -- that we 01:00:58
15 provided. 01:01:02
16 Q Do you know what the technology, that 01:01:08
17 Trade Secret 25 relates to, is? 01:01:11
18 MR. MACK: Objection, form. 01:01:16
19 A I don't know the specific technology or 01:01:20
20 technological elements that it informs. My 01:01:23
21 understanding is it's -- it's technology that is -- 01:01:27
22 was developed within Waymo Chauffeur -- 01:01:30
23 Q (BY MS. CHANG) Is that -- 01:01:33
24 A -- but that would be the extent of it. 01:01:34
25 Q You don't know any more details regarding 01:01:35

1	Trade Secret 25?	01:01:38
2	A No, I don't have any more details.	01:01:40
3	Q You testified that Trade Secret 2 incurred	01:01:44
4	a \$1.1 billion cost for development. You also	01:01:47
5	testified that Trade Secret 25 incurred the same	01:01:52
6	\$1.1 billion cost for development.	01:01:57
7	Is there any chance that costs of	01:02:20
8	development is being double counted between Trade	01:02:23
9	Secret 2 and Trade Secret 25?	01:02:26
10	MR. MACK: Objection, form.	01:02:29
11	A So one thing in -- in answering your	01:02:30
12	question, I think you said that my testimony was	01:02:33
13	that it costs 1.1 billion to formulate those two	01:02:36
14	trade secrets.	01:02:40
15	So I just want to say first that, like,	01:02:40
16	that's -- that's not my testimony. What -- what I'm	01:02:41
17	saying is that insofar as that an expert calculated	01:02:43
18	this, it's -- I'm showing the -- my testimony is	01:02:46
19	that in the years 2009 through 2015, those were the	01:02:49
20	expenses incurred.	01:02:54
21	With respect to your -- the -- the core of	01:02:56
22	the question or, like, the latter part of what you	01:02:59
23	just said of: Is there a double count, I don't	01:03:01
24	think I am technically minded enough to say whether	01:03:05
25	that is true or not.	01:03:10

1	Q (BY MS. CHANG) Do you understand that you	01:03:11
2	were designated corporate witness, so you're	01:03:13
3	supposed to do testify on behalf of the company	01:03:16
4	regarding the cost of each of the alleged trade	01:03:19
5	secrets? Are you not prepared to testify as to that	01:03:21
6	today?	01:03:25
7	A So -- so I'm -- I'm prepared to testify.	01:03:26
8	And -- and I have been trying to testify about the	01:03:29
9	numbers and the costs incurred by this program.	01:03:32
10	I am not technically minded to say that a	01:03:37
11	trade secret involved this cost versus that cost. I	01:03:39
12	think that's a more expert-based formulation.	01:03:44
13	And I'm not prepared or capable of -- of	01:03:49
14	creating -- like, I'm not an expert, right. Like,	01:03:52
15	my understanding is you -- you have expert reports	01:03:54
16	on these kinds of things, and there will be a whole,	01:03:56
17	you know, rigmarole around that.	01:03:58
18	But I am prepared to tell you about what	01:04:01
19	are the costs and what we have been discussing about	01:04:01
20	what the expenses that we're showing in these	01:04:04
21	various years.	01:04:07
22	Q If I understand your testimony correctly,	01:04:08
23	you're prepared to testify about the costs incurred	01:04:10
24	by Waymo's self-driving car program, but you are not	01:04:12
25	prepared to testify about the costs of each	01:04:19

1	individual trade secret; is that right?	01:04:22
2	MR. MACK: Objection to form.	01:04:23
3	A So again, insofar as that -- in this	01:04:26
4	interrogatory response there is a response that says	01:04:30
5	the trade secret costs \$1.1 billion. I can tell you	01:04:31
6	what numbers inform that.	01:04:36
7	So -- so yes, there's an -- there's an	01:04:37
8	expert conclusion about this, and I can help show	01:04:39
9	you -- like, to the two preceding questions you	01:04:42
10	asked, I showed you how that \$1.1 billion was	01:04:45
11	informed. So that extent, I am providing my	01:04:48
12	testimony and the -- the basis for that \$1.1 billion	01:04:51
13	calculation.	01:04:54
14	Q (BY MS. CHANG) You know how the number was	01:04:54
15	calculated, but you're not offering any testimony as	01:04:56
16	to how that number relates to each of the trade	01:04:59
17	secrets?	01:05:02
18	MR. MACK: Objection, form.	01:05:02
19	A I don't -- I don't understand what you	01:05:05
20	mean by "how it relates to each of the trade	01:05:06
21	secrets."	01:05:09
22	Q (BY MS. CHANG) You're not providing any	01:05:09
23	testimony that -- for example, where it says, Trade	01:05:11
24	Secret 2 costs \$1.1 billion, you're not offering	01:05:14
25	that Trade Secret 2 actually costs \$1.1 billion;	01:05:17

1	you're just offering testimony about how	01:05:19
2	\$1.1 billion was calculated?	01:05:22
3	MR. MACK: Objection, form.	01:05:26
4	A Sorry. Sorry. Like, let me -- let me try	01:05:30
5	to -- can -- can you repeat the question? It's kind	01:05:34
6	of long, so I -- I don't want to get lost in it.	01:05:37
7	MS. CHANG: Could you read the question	01:05:40
8	back to the witness?	01:05:41
9	(The Reporter read the record as follows:	01:05:43
10	QUESTION: You're not providing any testimony	01:05:43
11	that -- for example, where it says, Trade Secret 2	01:05:43
12	costs \$1.1 billion, you're not offering that Trade	01:05:43
13	Secret 2 actually costs \$1.1 billion; you're just	01:05:43
14	offering testimony about how \$1.1 billion was	01:05:43
15	calculated?)	01:05:43
16	MR. MACK: Same objection.	01:06:15
17	A So my understanding is that -- that these	01:06:17
18	trade secrets are a development over time; and	01:06:21
19	therefore, that -- it takes all of the preceding	01:06:27
20	work.	01:06:30
21	And to the extent that trade secret was	01:06:30
22	formulated from inception of the program through the	01:06:33
23	time period that we marked on that at the end of the	01:06:37
24	year, which it's -- it's now blacked out, but I	01:06:40
25	think it was 2015 or 2016, that is the cost of the	01:06:42

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1	trade secret.	01:06:46
2	Q (BY MS. CHANG) You are testifying that --	01:06:48
3	it is your testimony under oath that Trade Secret 2	01:06:49
4	costs \$1.1 billion?	01:06:54
5	MR. MACK: Objection, form.	01:06:57
6	A Again, to -- to the extent the expert	01:06:58
7	formulated that and -- and the basis is that all of	01:07:01
8	the work took -- took -- it's all of the preceding	01:07:03
9	work up until that time and that our -- the --	01:07:06
10	the program's historical spend is that, then -- then	01:07:09
11	yes, consistent with that, \$1.1 billion is a correct	01:07:12
12	number.	01:07:16
13	Q (BY MS. CHANG) But you don't know what	01:07:16
14	Trade Secret 2 actually is?	01:07:17
15	MR. MACK: Objection, form.	01:07:19
16	A The -- the discrete technical elements of	01:07:21
17	it, no.	01:07:23
18	Q (BY MS. CHANG) And you don't know what	01:07:25
19	Trade Secret 25 is?	01:07:27
20	MR. MACK: Same objection.	01:07:28
21	A Again, the -- the discrete technical	01:07:29
22	elements of it, no. I -- like, to the extent it was	01:07:32
23	formulated over time and it is -- it is a product of	01:07:34
24	work since the inception of a program, that's --	01:07:37
25	that's what I understand.	01:07:39

1	Q (BY MS. CHANG) Do you know if there was	01:07:46
2	any chance of double counting between the technology	01:07:47
3	that is claimed in Trade Secret 2 and the technology	01:07:50
4	that is claimed in Trade Secret 25?	01:07:54
5	MR. MACK: Objection to form.	01:07:57
6	A I -- like, what -- what would you consider	01:08:01
7	double counting?	01:08:06
8	Q (BY MS. CHANG) Claiming the claim cost	01:08:13
9	twice.	01:08:15
10	A Between -- between -- so -- so saying the	01:08:16
11	costs of developing one trade secret versus the	01:08:19
12	other are duplicative?	01:08:21
13	Q Yes.	01:08:26
14	A Without -- without understanding the	01:08:27
15	technical elements of -- of the trade secrets,	01:08:29
16	which -- which I admittedly don't understand the	01:08:30
17	technical elements, I -- I don't know that I can	01:08:34
18	answer that.	01:08:35
19	Q How are you able to testify that Trade	01:08:36
20	Secret 25 costs 1.1 billion if you don't understand	01:08:38
21	the technical details that are claimed by Trade	01:08:42
22	Secret 25?	01:08:45
23	MR. MACK: Objection, form.	01:08:46
24	A Again, because -- my understanding is --	01:08:49
25	is that the trade secret was formulated since the	01:08:50

1 inception of the program. And it is the totality of 01:08:55
2 the technology as whole that -- that allows the 01:08:57
3 system to work. And therefore, all of the expenses 01:09:01
4 that come through that year that we ended on is why 01:09:03
5 that number is right. 01:09:06

6 So it's -- it's the -- the fact that a 01:09:07
7 given trade secret is a part of this entire 01:09:12
8 solution; and therefore, we took the expense of the 01:09:15
9 entire program and took them over a period of time 01:09:17
10 to what is determined as the date where it's, like, 01:09:19
11 formulated or -- not -- like, I don't know how to 01:09:23
12 describe it in whatever might be the applicable 01:09:25
13 term. 01:09:28

14 But that period of time you then take that 01:09:28
15 whole expense of the whole exclusion and say you 01:09:30
16 have now -- it's come to fruition, so to speak or 01:09:33
17 whatever, and that's how you will come up with the 01:09:34
18 \$1.1 billion. 01:09:37

19 Q (BY MS. CHANG) Your testimony is that 01:09:38
20 Trade Secret 2 costs \$1.1 billion to develop; is 01:09:40
21 that right? 01:09:44

22 MR. MACK: Objection, form. 01:09:44

23 A My testimony is that to the extent that 01:09:47
24 the -- the expert has surmised that this is, like, a 01:09:49
25 full-on, like, evolution and it -- all of the steps 01:09:53

1 preceding takes time to create the solution. You 01:09:59
2 take all of that spend, and it's **1.1 billion** of 01:10:03
3 spend that occurred during that time. And 01:10:05
4 therefore, that's the way you come up to the 01:10:06
5 **\$1.1 billion** range identified in the interrogatory. 01:10:09

6 Q (BY MS. CHANG) It's your testimony that 01:10:12
7 Trade Secret 25 costs **\$1.1 billion** to develop; is 01:10:14
8 that right? 01:10:17

9 MR. MACK: Same objection. 01:10:18

10 A I -- I would answer that in the same way I 01:10:19
11 did the preceding question. 01:10:22

12 Q (BY MS. CHANG) What is your answer to the 01:10:23
13 question: What was the cost of developing Trade 01:10:24
14 Secret 2 and Trade Secret 25? 01:10:27

15 MR. MACK: Objection, form. 01:10:32

16 A So it -- to -- to -- what was the cost of 01:10:33
17 developing the trade secret? 01:10:38

18 Q (BY MS. CHANG) To clarify, the question 01:10:41
19 is: What was the cost of developing Trade Secret 2 01:10:42
20 and Trade Secret 25? So I want to know the combined 01:10:46
21 cost of developing those two trade secrets. 01:10:51

22 A I -- I don't know that I could answer 01:10:54
23 that, because I don't have, again, the technical 01:10:55
24 element of what the trade secret is. 01:10:57

25 I think that's -- that's something that I 01:10:58

1 don't know. But to the extent that -- like, if an 01:11:02
2 expert were to help -- like, tell me how you capture 01:11:05
3 those things, and we said: Well, is there, like, 01:11:09
4 this time element, for example, or something of that 01:11:12
5 sort, then I could look at that amount of time or 01:11:15
6 however and then come up with a number. Kind of 01:11:17
7 like what I have been describing in the preceding 01:11:19
8 answers. 01:11:22

9 Q You testified that Trade Secret 2 used the 01:11:22
10 same calculation as Trade Secret 25? 01:11:24

11 MR. MACK: Objection, form. 01:11:30

12 A Like -- so I -- I don't think I used the 01:11:31
13 word "calculation." But again, I think that we said 01:11:34
14 that in a similar manner, like, you took the whole 01:11:37
15 program's spend from inception to the time where 01:11:41
16 that trade secret was -- is determined to have, 01:11:44
17 like, come to fruition or whatever. 01:11:45

18 And you take all of that spend, because 01:11:48
19 these trade secrets are part of an integrated 01:11:51
20 whole -- like, it's a whole solution, right. And 01:11:54
21 that's my understanding of how that determination 01:11:56
22 was made. 01:11:57

23 Q (BY MS. CHANG) But isn't the calculation 01:11:59
24 of Trade Secret 2 based on that analysis, the same 01:12:02
25 way that you're calculating the cost for Trade 01:12:06

1	Secret 25?	01:12:08
2	MR. MACK: Objection, form.	01:12:11
3	Q (BY MS. CHANG) You seem to be implying	01:12:12
4	that the calculation is not the same, so I'm just	01:12:13
5	trying to figure out exactly what your testimony is	01:12:16
6	with respect to the calculations.	01:12:20
7	A Sure. And -- and -- again, like -- like I	01:12:21
8	said earlier -- I think a bit earlier is that --	01:12:24
9	like, the precise calculation of what informs and	01:12:25
10	costs of the trade secret, I think it requires	01:12:29
11	certain technical elements.	01:12:31
12	But to the extent that it was a	01:12:32
13	time-based, like, evolution of the entire	01:12:35
14	technological solution, to the extent that is what I	01:12:39
15	understand of it, then perhaps it -- then in that	01:12:42
16	vein, yes. But again, I'm not the -- the -- the	01:12:47
17	expert who calculated that number, per se.	01:12:49
18	Q Okay. Stepping back, you keep on	01:12:53
19	mentioning an "expert." Is there a particular	01:12:54
20	expert you're referring to?	01:12:56
21	A I'm assuming who -- whichever expert	01:12:58
22	that -- it says "will be the subject of expert	01:13:01
23	testimony" here in the interrogatory.	01:13:05
24	Q That's true. I believe Waymo's experts	01:13:07
25	will be using this interrogatory response. But	01:13:10

1	these are interrogatory responses from Waymo --	01:13:13
2	A Um-hum.	01:13:17
3	Q -- so an expert did not draft -- I can	01:13:17
4	represent to you that an expert did not draft these	01:13:21
5	responses.	01:13:25
6	A Okay.	01:13:25
7	Q Waymo -- your counsel can correct me if	01:13:25
8	I'm wrong. I just wanted to know whether you had a	01:13:27
9	particular expert in mind when you keep on	01:13:32
10	mentioning this expert.	01:13:34
11	A I -- I don't have a name in mind, no.	01:13:36
12	Q Moving on to Trade Secret 90, which is	01:13:48
13	another one of the trade secrets that are still at	01:13:51
14	issue in this case, if you could turn to page 126 of	01:13:54
15	Exhibit 1520.	01:13:58
16	The response to Interrogatory No. 6 for	01:14:08
17	Trade Secret 90 starts on exhibit starts on page 126	01:14:20
18	and continues on to page 127.	01:14:23
19	If you look at the middle of the first	01:14:27
20	paragraph to the response regarding Trade Secret 90,	01:14:30
21	it states, Information potentially relevant to	01:14:37
22	determining such cost estimate has been produced at	01:14:42
23	WAYMO-UBER-00027045, WAYMO-UBER-00014506	01:14:46
24	WAYMO-UBER-00012830, WAYMO-UBER-00014078, and	01:14:57
25	WAYMO-UBER-00014489.	01:15:06

1 I can represent to you that those are the 01:15:09
2 same five documents that were cited for Trade 01:15:12
3 Secret 2 and Trade Secret 25 that we just looked at. 01:15:15
4 The next sentence reads, That information 01:15:18
5 reflects that costs Waymo necessarily incurred for 01:15:23
6 the development of Trade Secret 90 are in the 01:15:27
7 1.1 billion range. 01:15:31
8 What was the basis for calculating that 01:15:33
9 \$1.1 billion cost estimate? 01:15:36
10 A So again, my understanding is that it is a 01:15:41
11 cost that captures the entire program spend from 01:15:43
12 inception to the period of time where it stops -- I 01:15:47
13 think it's 2015, 2016, that 1.08 that you round up 01:15:54
14 to 1.1 billion. 01:15:59
15 It is informed by those same sets of 01:16:00
16 numbers for the totality of the program spend for 01:16:04
17 that period of time. 01:16:05
18 Q The calculation that was the basis of the 01:16:06
19 \$1.1 billion cost estimate for Trade Secret 90 is 01:16:09
20 the same calculation that was done for Trade 01:16:13
21 Secret 2 and Trade Secret 25? 01:16:16
22 MR. MACK: Objection, form. 01:16:18
23 A Again, my understanding being that it 01:16:23
24 covers the -- the time period for the formulation of 01:16:24
25 that trade secret, without knowing the technical 01:16:27

1	elements of it, is -- is a time period that spans	01:16:29
2	the program's total spend of \$1.1 billion.	01:16:32
3	Q (BY MS. CHANG) And that calculation is the	01:16:36
4	sum of Cells B16 to H16 in Exhibit 1400?	01:16:40
5	A I'll -- I'll accept that. I don't see it	01:16:50
6	on the screen, but I believe so. It's -- it's the	01:16:52
7	cells that I had highlighted earlier.	01:16:53
8	Q And that's the same 1.08 --	01:16:58
9	A Correct.	01:17:02
10	Q -- billion number that we have been	01:17:02
11	looking at?	01:17:05
12	A Correct.	01:17:05
13	Q Do you know what -- the technical aspects	01:17:10
14	that is claimed by Trade Secret 90?	01:17:20
15	MR. MACK: Objection, form.	01:17:24
16	A I'm not familiar with the -- the precise	01:17:25
17	individual technical aspects of -- or sorry. Let me	01:17:29
18	rephrase.	01:17:31
19	I'm not -- I'm not familiar with the --	01:17:31
20	the technical aspects of the individual trade	01:17:33
21	secret. My understanding is that insofar as it is	01:17:38
22	part of the entirety of this self-driving system.	01:17:42
23	Therefore, all of the costs of the program since	01:17:45
24	inception to the time are what then informs that	01:17:48
25	\$1.1 billion number.	01:17:52

1	Q (BY MS. CHANG) If I understand your	01:17:54
2	testimony correctly, the costs of the program from	01:17:56
3	inception to 2015 forms the basis for the	01:18:05
4	development cost for Trade Secret 2, Trade	01:18:12
5	Secret 25, and Trade Secret 90; is that correct?	01:18:15
6	MR. MACK: Objection, form.	01:18:20
7	A Can I get the question read back?	01:18:24
8	Q (BY MS. CHANG) If I understand your	01:18:28
9	testimony correctly, the costs of the self-driving	01:18:29
10	car program from inception to 2015 forms the basis	01:18:32
11	for the development cost for Trade Secret 2, Trade	01:18:36
12	Secret 25, and -- and now Trade Secret 90?	01:18:39
13	MR. MACK: Same objection.	01:18:45
14	A -- I believe so, yes, if I understand	01:18:48
15	your question.	01:18:52
16	Q (BY MS. CHANG) Is there a part of the	01:18:54
17	question that you don't understand?	01:18:55
18	A So -- sorry. Can -- can you read it back	01:18:57
19	one more time? I apologize.	01:19:01
20	Q Your testimony is that the costs of the	01:19:03
21	self-driving car program from inception to 2015	01:19:08
22	forms the basis for the development costs of Trade	01:19:12
23	Secret 2, Trade Secret 25, and now Trade Secret 90?	01:19:16
24	A My understanding is that -- that since	01:19:23
25	inception through the year that you just identified	01:19:25

1 informs the **\$1.1 billion** number that was placed into 01:19:27
2 this interrogatory. 01:19:31
3 Q For each of those three trade secrets that 01:19:32
4 we have discussed so far? 01:19:34
5 A Correct. That period of spend is what 01:19:36
6 informed that number. And if I may add. The one 01:19:38
7 thing, like -- and we had reviewed this a little bit 01:19:41
8 earlier in the deposition. Is that -- to the extent 01:19:43
9 that there are historical expenses not captured, 01:19:45
10 that number is potentially higher. 01:19:47
11 But because of the way the Alphabet 01:19:50
12 structure was run historically, et cetera, 01:19:52
13 et cetera, that number is -- is reported lower in 01:19:54
14 the Exhibit 1400, I think, is the one that -- that's 01:20:00
15 the spreadsheet so... 01:20:04
16 Q To clarify, you're saying that the 01:20:12
17 number -- the **1.08 billion** number that's shown in 01:20:14
18 Exhibit 1400 is actually lower than the actual spend 01:20:20
19 of the program from inception to 2015? 01:20:23
20 A Correct. Correct. As I mentioned 01:20:25
21 earlier, there are -- there are equity that's 01:20:26
22 missing from this, as well as, like, the 01:20:28
23 intracompany expenses of the allocated expensive. 01:20:30
24 Because, again, alphabetization, which is that 01:20:33
25 spinout, was something that happened later. 01:20:36

1	Q	What is the cost of developing Trade	01:20:40
2		Secret 2, Trade Secret 25, and Trade Secret 90?	01:20:42
3		MR. MACK: Objection, form.	01:20:46
4	A	So to the extent that the expert has	01:20:48
5		surmised that development of that trade secret is	01:20:55
6		something that is kind of program inception to the	01:20:58
7		date that, again, this comes to, like, fruition or	01:21:02
8		whatever you want to call it, it -- it is that	01:21:04
9		1 point -- it is the spend for the entirety of the	01:21:08
10		program from that inception to the date that that's	01:21:11
11		cut off at, which is 2015 or '16, based on the	01:21:14
12		spreadsheet.	01:21:19
13	Q	(BY MS. CHANG) Given that the entirety of	01:21:19
14		the program cost from inception to 2015 is about	01:21:21
15		\$1.1 billion, would it be fair to say that the costs	01:21:28
16		of developing Trade Secret 2 is the same as the cost	01:21:31
17		of developing Trade Secrets 2, 25, and 90 together?	01:21:35
18		MR. MACK: Objection, form.	01:21:40
19	A	You're asking: Is -- is the cost of	01:21:43
20		developing -- is the cost of developing one, the	01:21:45
21		same as the cost of developing all of them?	01:21:49
22	Q	(BY MS. CHANG) All three of them that we	01:21:53
23		just discussed.	01:21:54
24	A	I -- like, I don't know that I understand?	01:21:56
25		Like, is the cost the same? I mean, I guess my	01:22:08

1 answer would be that -- that they're all 01:22:20
2 wholly-integrated solutions in the system. And 01:22:24
3 like, this is (inaudible), like, a self-driving 01:22:26
4 system, so -- 01:22:26

5 THE COURT REPORTER: What is that? This 01:22:34
6 is? 01:22:34

7 A Sorry? 01:22:35

8 THE COURT REPORTER: They're 01:22:35
9 wholly-integrated solutions in the system. And 01:22:35
10 like? 01:22:35

11 A They're all wholly-integrated solutions in 01:22:35
12 the same system is what I meant to say. That -- 01:22:38
13 sorry. I lost my train of thought. 01:22:48

14 Q (BY MS. CHANG) You're the corporate -- 01:22:52

15 A Yeah. 01:22:55

16 Q -- representative on the cost of each of 01:22:55
17 the trade secrets? 01:22:56

18 A Right. 01:22:58

19 Q And I'm just trying to figure out how this 01:22:58
20 cost calculation works. You're testifying that 01:23:01
21 Trade Secret 2 costs \$1.1 billion, which is the 01:23:05
22 entire program cost from inception to 2015. 01:23:09

23 You're testifying that Trade Secret 25 01:23:13
24 costs \$1.1 billion, which is also the cost of the 01:23:16
25 entire program from inception to 2015. 01:23:23

1 And you're also claiming that Trade 01:23:25

2 Secret 90 costs **\$1.1 billion**, which is the cost of 01:23:27

3 the entire program from inception to 2015. 01:23:34

4 Because you're claiming the entire program 01:23:39

5 cost for each of these trade secrets, I want to 01:23:42

6 understand that if it's your testimony that the cost 01:23:47

7 of developing all three trade secrets is also the 01:23:50

8 entire cost of the program from inception to 2015. 01:23:53

9 MR. MACK: Objection, form; beyond the 01:23:58

10 scope. 01:23:59

11 A I -- I don't know that I know how to 01:24:01

12 answer that. Because, again, like, given they all 01:24:04

13 have an interplay and -- and are all required, I -- 01:24:07

14 I don't think I -- I -- I have the technical 01:24:11

15 know-how to -- to -- to answer, like, if you 01:24:13

16 developed one wholly independently versus all of the 01:24:16

17 others, what would the costs be. 01:24:19

18 Q (BY MS. CHANG) That's not my question. 01:24:23

19 A I'm sorry. All right. I'm just having a 01:24:26

20 hard understanding -- 01:24:28

21 Q Yeah. 01:24:29

22 A -- to be honest. 01:24:29

23 Q Well -- so maybe -- I think there are two 01:24:30

24 potential answers to this question, and there could 01:24:36

25 also be an alternate answer. One potential answer 01:24:38

1 is because I'm already claiming the entire cost of 01:24:44
2 the program for -- for one of the trade secrets, 01:24:48
3 there's not more that I could claim for developing 01:24:50
4 all three. 01:24:53

5 Or you could say because I'm claiming 01:24:53

6 \$1.1 billion for one trade secret, \$1.1 billion for 01:24:58
7 another trade secret, and \$1.1 billion for a third 01:25:02
8 trade secret, that the cost of developing all three 01:25:07
9 of those would be 3.3 billion, even though that 01:25:09
10 exceeds the costs of the entire program. 01:25:12

11 I just want to know what your testimony 01:25:17
12 is. I -- if I wanted to figure out what is the cost 01:25:18
13 of developing three of these trade secrets that are 01:25:22
14 still at issue in this case, is it just -- 01:25:25

15 A Can -- I'm sorry. I'm sorry. Like, I 01:25:28
16 want -- I want -- I want to make sure I understand. 01:25:29
17 Could I -- could I restate it back to you so that, 01:25:30
18 like -- like, you're essentially posing a 01:25:33
19 hypothetical of: If you developed only one of these 01:25:36
20 trade secrets, how much would it cost versus if you 01:25:38
21 developed all three at the same time? 01:25:41

22 Q It's not a hypothetical, because Waymo has 01:25:42
23 responded that developing one trade secret costs 01:25:45
24 \$1.1 billion. 01:25:48

25 A Right. 01:25:49

1	Q	That's not a hypothetical. That's Waymo's	01:25:50
2		response.	01:25:52
3	A	Sure.	01:25:52
4	Q	And you're Waymo's corporate	01:25:53
5		representative to give that testimony.	01:25:54
6	A	Right.	01:25:56
7	Q	My question is: Is the cost the same for	01:25:58
8		all three trade secrets -- if -- if I -- is the cost	01:26:01
9		of developing Trade Secret 2 the same as the cost of	01:26:08
10		developing Trade Secrets 2, 25, and 90?	01:26:11
11		MR. MACK: Objection, form; beyond the	01:26:14
12		scope.	01:26:15
13	A	Again, to the extent they're identified as	01:26:16
14		the same number, then this is -- like, between the	01:26:19
15		responses for the individual trade secrets, the same	01:26:23
16		number is identified. Like, that's in -- in the	01:26:26
17		answer. So I --	01:26:28
18	Q	(BY MS. CHANG) I understand.	01:26:29
19	A	-- don't know what else you're asking me	01:26:30
20		add to that.	01:26:33
21	Q	So for each -- you have -- you have	01:26:34
22		identified a cost for each one -- for each trade	01:26:34
23		secret; is that correct?	01:26:37
24	A	Right. They're -- in -- in the Responses	01:26:39
25		to Interrogatories, there's a cost identified for	01:26:40

1	MR. MACK: Objection, form; beyond the	02:29:34
2	scope.	02:29:34
3	A Again -- so you're saying if it finishes	02:29:46
4	in a period, like, in the -- in the -- in the	02:29:50
5	between period, are there expenses that are backed	02:29:52
6	out?	02:29:56
7	Q (BY MS. CHANG) My question is: If	02:29:58
8	development actually ends in the middle of a	02:30:01
9	month --	02:30:04
10	A Okay.	02:30:05
11	Q -- by including the cost through the end	02:30:06
12	of the month, are you overstating that development	02:30:09
13	cost?	02:30:13
14	MR. MACK: Same objections.	02:30:14
15	A I mean, hypothetic -- hypothetically, I --	02:30:15
16	like, I think it's -- it's -- it's a potential --	02:30:20
17	there's a potential that if something is done	02:30:25
18	earlier, then it's not done later. I guess that's	02:30:28
19	what I'm understanding you saying.	02:30:31
20	Q (BY MS. CHANG) Let's say the development	02:30:33
21	cost --	02:30:35
22	A Right.	02:30:35
23	Q -- for December 2013 -- the month of	02:30:35
24	December 2013 is a hundred thousand dollars.	02:30:38
25	A Okay.	02:30:43

1	Q	Let's say development actually ends	02:30:44
2		somewhere in the month --	02:30:47
3	A	Okay.	02:30:49
4	Q	-- somewhere in the middle of the month.	02:30:50
5	A	All right.	02:30:53
6	Q	Would claiming a \$100,000 development cost	02:30:54
7		for December 2013 overstate the actual cost?	02:30:59
8		MR. MACK: Objection, form; beyond the	02:31:06
9		scope.	02:31:06
10	A	Again, it -- you would have to make a	02:31:07
11		whole series of other assumptions that, in fact, the	02:31:09
12		work -- the work and the dollars that are flowing	02:31:11
13		through in that later period are not attributable to	02:31:15
14		work that has already been completed that -- to	02:31:18
15		enable -- to enable -- in order -- in order to be	02:31:19
16		able to, like, differentiate, right.	02:31:21
17		Something about, you know, the way the	02:31:21
18		books are closed is they represent liabilities that	02:31:24
19		are indiscernibly captured in -- within a period.	02:31:26
20		So if you somehow sliced in a bright line	02:31:31
21		that everything is done, et cetera, and every single	02:31:36
22		person invoiced exactly on time as soon as it was	02:31:39
23		done, all of those things, then that's a	02:31:42
24		possibility, assuming there's a whole other set of	02:31:44
25		things potentially that have to go right to be able	02:31:47

1 to do that. 02:31:50

2 There is a possibility. I think the 02:31:51

3 circumstances would have to be very clear in that 02:31:53

4 situation. 02:31:57

5 Q (BY MS. CHANG) Do you know when 02:31:57

6 development of Trade Secret 7 was actually 02:32:00

7 completed? Trade Secret 7 claims a development cost 02:32:06

8 of \$120 million. 02:32:11

9 MR. MACK: Objection, form; beyond the 02:32:14

10 scope. 02:32:14

11 A I -- I don't have the technical expertise 02:32:15

12 to -- to say when development of that trade secret 02:32:18

13 was completed, no. 02:32:21

14 Q (BY MS. CHANG) Trade Secret 9 also claims 02:32:24

15 a development cost of \$120 million. Do you know 02:32:26

16 when development of Trade Secret 9 was actually 02:32:29

17 completed? 02:32:34

18 MR. MACK: Same objections. 02:32:36

19 A So same -- same answer as the preceding 02:32:37

20 one. 02:32:40

21 Q (BY MS. CHANG) Trade Secret 13 claims a 02:32:40

22 development cost of \$120 million. Do you know when 02:32:43

23 development of Trade Secret 13 was actually 02:32:48

24 completed? 02:32:51

25 MR. MACK: Same objections. 02:32:51

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1 A The same answer. And -- and to just kind 02:32:52
2 of clarify generally, I don't know the precise 02:32:55
3 period in which a given -- I don't have the 02:32:58
4 technical expertise to say when a precise 02:33:00
5 development of any trade secret was completed. 02:33:02
6 I -- I do understand that based off of 02:33:06
7 the -- the expertise, that the calculation 02:33:08
8 represents periods that have ended in the various 02:33:11
9 respective endpoints, which we have discussed in the 02:33:15
10 preceding questions. 02:33:17
11 Q (BY MS. CHANG) Is your testimony the same 02:33:20
12 for all the trade secrets that you do not know when 02:33:22
13 actual development for any of the nine trade secrets 02:33:26
14 at issue was actually completed? 02:33:29
15 MR. MACK: Objection, form; beyond the 02:33:34
16 scope. 02:33:34
17 A Correct. I do not have the technical 02:33:36
18 expertise to know when the -- the formula -- the 02:33:38
19 formulation, I think was the word you used, of 02:33:40
20 the -- the trade secrets was completed for any of 02:33:43
21 them. 02:33:46
22 What I do understand and know is that the 02:33:47
23 numbers in the responses to the interrogatories 02:33:49
24 represent the various time periods which we have 02:33:53
25 just discussed and that the numbers that I have 02:33:55

1	pointed out in -- in the data that we have provided	02:33:58
2	in Exhibit -- Exhibit 1400.	02:34:01
3	Q (BY MS. CHANG) To clarify, I asked about	02:34:03
4	when development of each of the trade secrets was	02:34:05
5	completed.	02:34:09
6	A Right. And -- and what I'm saying is to	02:34:10
7	the extent that I understand what informed the	02:34:12
8	number, that would be how I would understand that to	02:34:14
9	be true -- an ending would have occurred. Like, it	02:34:18
10	would have been complete -- formulation would be	02:34:22
11	complete.	02:34:26
12	Q Your understanding of when each of the	02:34:28
13	trade secrets completed development coincides with	02:34:30
14	the end period used to form the basis of the	02:34:36
15	calculation for the development cost?	02:34:44
16	MR. MACK: Objection, form; beyond the	02:34:48
17	scope.	02:34:48
18	A That would be my nontechnical	02:34:49
19	understanding.	02:34:52
20	Q (BY MS. CHANG) As an example, Trade	02:34:52
21	Secret 2 claims a development cost of \$1.1 billion,	02:34:54
22	which you testified was based on the entire program	02:35:01
23	spend for Waymo's self-driving system from inception	02:35:06
24	to 2015.	02:35:10
25	Based on that calculation, your	02:35:13

1 understanding is that Trade Secret 2 completed its 02:35:20
2 development in December 2015; is that right? 02:35:23
3 MR. MACK: Objection, form; beyond the 02:35:27
4 scope. 02:35:27
5 A That would be my nontechnical 02:35:29
6 understanding. 02:35:32
7 Q (BY MS. CHANG) I'm handing you what was 02:35:38
8 previously marked as Exhibit 1079. Exhibit 1079 is 02:35:40
9 Exhibit 1 to the Declaration of Jordan Jaffe in 02:36:11
10 support of Waymo's Motion for Preliminary 02:36:19
11 Injunction. I can represent that to you. 02:36:21
12 If you turn to the second page, this 02:36:26
13 document is identified as "Plaintiff's List of 02:36:31
14 Asserted Trade Secrets Pursuant to California Code 02:36:34
15 Civil Procedure Section 2019.210. 02:36:39
16 Do you recognize this document? 02:36:43
17 A No. 02:36:48
18 Q You have never seen this document before? 02:36:48
19 A No. 02:36:50
20 Q If you turn to page 2 of Exhibit 1079, it 02:37:25
21 reads, [REDACTED] 02:37:34
[REDACTED] 02:37:40
[REDACTED] 02:37:43
[REDACTED] 02:37:47
[REDACTED] 02:37:50

		02:37:53
		02:37:58
		02:38:00
		02:38:05
		02:38:07
		02:38:10
		02:38:13
		02:38:16
		02:38:18
10	See supra paragraph 1, second bullet, for	02:38:22
11	reasonable steps -- steps taken to maintain secrecy.	02:38:26
12	<u>The last bullet point is the scope of</u>	02:38:30
13	<u>Trade Secret 2, and that reads, The trade secret</u>	02:38:37
14	<u>claim is</u>	02:38:41
		02:38:47
		02:38:51
		02:38:55
		02:38:59
19	Is this the first time that you're seeing	02:39:07
20	a description of Trade Secret 2?	02:39:10
21	A Yes.	02:39:12
22	Q Do you know if Waymo's self-driving car	02:39:18
23	system has components other than	02:39:22
		02:39:28
		02:39:34

		02:39:36
		02:39:40
		02:39:43
4	MR. MACK: Objection, form; beyond the	02:39:45
5	scope.	02:39:45
6	A Is -- if I could kind of try to synthesize	02:39:52
7	your question a bit. Like, essentially is -- is	02:39:56
8	there more to the self-driving system than a LiDAR?	02:39:58
9	Q (BY MS. CHANG) Yes. And specifically the	02:40:03
10	LiDAR described in the last bullet point of	02:40:04
11	paragraph -- paragraph 2.	02:40:07
12	MR. MACK: Same objections.	02:40:10
13	A Again, I'm not technically trained or --	02:40:10
14	and I'm -- my general layman's understanding is that	02:40:14
15	there is more to our self-driving system than a	02:40:18
16	LiDAR, yes.	02:40:21
17	Q (BY MS. CHANG) If you turn to page 5,	02:40:23
18	Trade Secret 7 is listed on page 5.	02:40:40
		02:40:50
		02:40:54
		02:40:59
		02:41:03
		02:41:07
		02:41:11
		02:41:14